STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Joint Petition for Arbitration Pursuant to	)	
Condition 29 of the SBC/Ameritech Merger	)	
Regarding Operation Support Systems	)	Docket No. 00-0592
and Ameritech's Plan of Record	)	

FINAL STATEMENT OF POSITION ON BEHALF OF NORTHPOINT COMMUNICATIONS, INC.

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I. INTRODUCTION TO ISSUE #56: COOPERATIVE ACCEPTANCE TESTING

Cooperative acceptance testing allows Ameritech to provision loops that meet all applicable industry standards and enables Ameritech to provide its competitors with essential demarcation information. Ameritech committed to perform cooperative acceptance tests on ADSL-capable loops and, on September 27, 2000, put its agreement to do such testing into a detailed writing.[1] Until recently, Ameritech had refused to perform cooperative acceptance testing on either ISDN loops or maintenance tickets. NorthPoint Communications, Inc. ("NorthPoint") is encouraged by Ameritech's revised position to do cooperative acceptance testing on ISDN loops and maintenance tickets. However, this issue will not be resolved until Ameritech's commitment is in an executed Interconnection Agreement ("ICA") amendment which sets forth precise methods and procedures for such testing. In addition, NorthPoint respectfully requests that the Illinois Commerce Commission ("Commission") monitor Ameritech's performance to ensure

[1] Although, Ameritech released an accessible letter on May 23, 2000 that included interconnection agreement (ICA) terms regarding cooperative acceptance testing, the terms as drafted gutted many of the intended benefits of such testing. However, after extensive negotiations, on September 27, 2000, NorthPoint and Ameritech agreed to ICA terms that both parties found acceptable. *See* Exhibit NPC-2 (Diane Johnson's written confirmation of Ameritech's agreement to the parties' negotiated ICA Amendment).

that the terms of the ICA amendment are fully implemented within a reasonable time frame.

II. STATEMENT OF ISSUE

Given the course of recent events, the revised substance of Issue #56: Cooperative Acceptance Testing is as follows:

> Ameritech has not put into a detailed writing methods and procedures ensuring that Ameritech will meet its commitment to adequately test all ADSL-capable loops, ISDN loops and maintenance tickets.
>
> This is the only issue NorthPoint addresses in this brief.

III. PROPOSAL

To ensure the adequate resolution of this issue, NorthPoint respectfully requests that the Commission order the following:

1. That Ameritech agree to conduct cooperative acceptance testing on ISDN loops and maintenance tickets in a way which provides CLECs with demarcation information and which allows CLECs to validate whether the loop meets all of the industry standard loop parameters applicable to the loop, not just continuity.

2. That Ameritech demonstrate its commitment to perform cooperative acceptance testing on ISDN loops and maintenance tickets by attaching as an exhibit to its POR ICA language made available to all CLECs that precisely details the methods and procedures of such testing, such as that proposed by NorthPoint in Exhibit NPC-1.

3. That Ameritech meet the following goals with regard to cooperative acceptance testing:

   ADSL-capable loops (at the time of provisioning and in the event a maintenance ticket is opened on an ADSL-capable loop):

   90% by November 8, 2000

   ISDN loops (at the time of provisioning and in the event a maintenance ticket is opened on an ISDN loop):

   90% by January 8, 2001

4. That, in the event Ameritech fails to meet its designated cooperative acceptance testing goals, Ameritech demonstrate good cause for why penalties should not be imposed on the company, and that Ameritech

subsequently participate in a DSL Collaborative attended by Commission staff and CLEC and ILEC representatives.

IV. STATEMENT OF UNDISPUTED FACTS

As an Incumbent Local Exchange Carrier ("ILEC"), Ameritech is obligated to provide Competitive Local Exchange Carriers ("CLECs") with properly provisioned loops. Cooperative acceptance testing has been identified by both ILECs and CLECs as an efficient and effective way to ensure that ILECs meet this obligation. *See, e.g.,* Regan Testimony ("Test."), Docket No. 00-0592, *Transcript of Proceedings in the Matter of Illinois Bell Telephone Company et al.* ("*Trans.*"), 583, ll. 10-13.

"Acceptance testing" or "Cooperative acceptance testing" occurs when CLEC technicians and ILEC technicians work cooperatively to test whether a loop has been properly provisioned. *Id.* The order is not closed out until both parties agree that the loop meets all applicable industry standards.

Cooperative testing can also be performed when a maintenance ticket is opened on a loop. *Id.* at 583, ll. 14-22, 584, ll. 1-1.[2] Once the parties agree that the loop being maintained meets all applicable industry standards, the parties close out the maintenance ticket.

NorthPoint is a data CLEC specializing in Digital Subscriber Line ("DSL"). NorthPoint serves consumers throughout the Ameritech region including Illinois. There are two types of DSL which NorthPoint provides to Illinois consumers: SDSL and IDSL. There are two different types of loops which NorthPoint must order from Ameritech to

[2] *C.f.*, Regan Test., *Trans.*, 584, ll. 3-6. NorthPoint uses the term "cooperative acceptance testing" to encompass both "acceptance testing," which occurs at the time of provisioning, and "cooperative testing," which occurs at the time of maintenance. That is, although a CLEC is not said to "accept" a loop after the CLEC and ILEC agree to close the maintenance ticket, in this brief, NorthPoint refers to cooperative testing of maintenance tickets, as well as acceptance testing performed at the time of provisioning, as cooperative acceptance testing.

deliver these two different types of services: (1) copper, or ADSL-capable[3], loops and (2) ISDN,[4] or IDSL-capable, loops.

SDSL, or Symmetric Digital Subscriber Line, is a technology for transmitting digital information at a high bandwidth (up to 50 times faster than dial-up) on ordinary telephone copper wires to homes and businesses. Today, SDSL must travel over a clean copper loop; that is, the loop over which SDSL travels must be entirely copper (also known as a "home run" copper wire) and must be free of electronic devices which might interfere with DSL service such as repeaters, load coils or excessive bridge taps. Also, SDSL is generally only available to those customers who are located within 18,000 feet of a central office.

IDSL is similar to SDSL: it, too, is a technology for transmitting digital information at a high bandwidth. However, IDSL does not have the same limitations as SDSL. IDSL can travel over repeaters –electronic devices placed on a copper loop which extend the loop's reach– which means IDSL is available to end users who are over 18,000 feet from a central office. Also unlike SDSL, IDSL can travel over fiber and digital loop carrier and, therefore, is available to those end users that are not served on a "home run" copper wire.[5] In short, IDSL makes DSL available to Illinois consumers for whom DSL would otherwise be unavailable.

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[3] Although ADSL and SDSL are different types of ADSL, both types of DSL can travel over ADSL-capable loops.

[4] In its May 23, 2000 accessible letter, Ameritech appeared to take the fallacious position that ISDN loops were not covered by the proposed ICA language that explicitly applied to all "xDSL-capable loops." *See* Exhibit NPC-7. It is generally accepted that the "x" in xDSL serves as a variable representing the various types of DSL available, for example, SDSL and IDSL. ISDN loops are IDSL capable, that is, they support a type of DSL: IDSL. Thus, ISDN loops are xDSL-capable and Ameritech's ICA language should have applied to ISDN loops as well.

[5] In NorthPoint and Ameritech's agreed upon ICA Amendment, ADSL-capable loops are described as "2-wire digital loops that are *not* provisioned through repeaters or digital loop carriers." (Emphasis added.)

V. ARGUMENT: THE COMMISSION SHOULD ORDER AMERITECH TO PUT ITS COOPERATIVE ACCEPTANCE TESTING METHODS AND PROCEDURES INTO A DETAILED WRITING, ORDER AMERITECH TO IMPLEMENT THESE PROCEDURES AND OVERSEE AMERITECH'S FUTURE PERFORMANCE

Ameritech's poor provisioning rate has elevated cooperative acceptance testing from a CLEC aid to a necessity for CLECs interested in providing DSL service to Illinois consumers. *See* Aulisio Test., *Trans.*, 606, ll. 9-22; 606, ll. 1-5. In order to resolve this cooperative acceptance testing issue, the following are necessary: a writing detailing the methods and procedures of Ameritech's cooperative acceptance tests which it committed to perform on all loops, including ISDN loops, and maintenance tickets, Ameritech's implementation of this writing and Commission oversight to monitor Ameritech's implementation rate.

Cooperative acceptance testing at the time of provisioning enables ILECs to more efficiently deliver loops that have continuity and comply with industry approved standards, and enables ILECs to provide CLECs with necessary demarcation information, information located at the end user's premises, at the time of testing. These factors combined obviate the need for a CLEC to open trouble tickets on orders that, from the CLEC's perspective, were prematurely closed, *i.e.*, orders which were closed although the loop ordered did not have continuity or otherwise did not meet industry approved standards.[6] When cooperative acceptance testing is performed properly, the only time trouble tickets are opened are after a loop has been properly provisioned for maintenance purposes.

See Exhibit NPC-2. IDSL-capable loops, on the other hand, can be referred to as "2-wire digital loops that *are* provisioned through repeaters or digital loop carriers."

[6] Ameritech uses the terms "trouble ticket" and "maintenance ticket" interchangeably. For the purposes of this brief, NorthPoint has done the same.

Cooperative acceptance testing on maintenance tickets minimizes the number of maintenance tickets that are closed prematurely. That is, with cooperative acceptance testing, maintenance tickets are not closed until both the CLEC and ILEC agree that the loop being maintained has continuity and meets applicable industry standards.

The Commission can best ensure successful implementation of cooperative acceptance testing by Ameritech if it orders that Ameritech's detailed methods and procedures for performing such testing is including in an ICA available to all CLECs and if the Commission regularly monitors Ameritech's performance of such testing.

A. The Commission Should Adopt NorthPoint's Proposed ICA Amendment Language Attached As Exhibit NPC-1

NorthPoint has drafted and attached as Exhibit NPC-1 proposed ICA language which details methods and procedures for cooperative acceptance testing on all loops, including ISDN loops, and on maintenance tickets.[7] The adoption of this ICA language and Ameritech's successful implementation of the agreement would adequately resolve the issue of cooperative acceptance testing.

1. NorthPoint based its proposed ICA language on its experience conducting cooperative acceptance tests on ISDN loops and maintenance tickets

NorthPoint has an advantage over Ameritech in that NorthPoint is familiar with the process of cooperative acceptance testing on ISDN loops and maintenance tickets. NorthPoint conducts such tests with Pacific Bell and also in other ILEC regions. Aulisio Test., *Trans.*, 609, ll. 16-21. NorthPoint has experience with those procedures that are appropriate for ISDN loops and maintenance tickets and those that are not.

[7] NorthPoint's proposed ICA language includes methods and procedures for conducting cooperative acceptance testing on ADSL-capable loops to which Ameritech already agreed. *See,* Exhibit NPC-1 (NorthPoint's proposed ICA Amendment). *C.f.*, Exhibit NPC-2 (NorthPoint and Ameritech agreed upon ICA language).

By its own admission, Ameritech has no experience conducting cooperative acceptance testing on ISDN loops. Regan Test., *Trans.*, 593, ll. 19-20. Furthermore, Ameritech has suggested that the fact that Pacific Bell, its sister affiliate, conducts such testing does not provide Ameritech with sufficient guidance to perform such testing. *Id.* NorthPoint's proposed methods and procedures draw on NorthPoint's experience in performing cooperative acceptance testing on ISDN loops, and NorthPoint's proposed ICA terms are drafted consistently with cooperative acceptance testing procedures that have proven successful in other ILEC regions (including Ameritech affiliate regions).

2. NorthPoint's proposed methods and procedures are economically feasible in other ILEC regions

In NorthPoint's experience, the testing equipment that Ameritech needs to conduct cooperative acceptance tests on ISDN loops is proven effective and easy to use. The equipment which technicians in the Pacific Bell region use is comprised of a handheld device, often referred to as a "test set." NorthPoint's proposal would require that, as in Pacific Bell, each Ameritech technician performing a cooperative acceptance test on an ISDN loop would have a test set and, at the time of testing, place the test set on the loop thereby allowing the CLEC to test whether it has continuity and meets other applicable industry standards. The CLEC tests take approximately two minutes.

Obtaining these test sets would not require a large capital outlay because it would not be necessary for Ameritech to purchase these test sets for all of its technicians. As is done in the former Bell Atlantic footprint (now Verizon), Ameritech need only assign a limited number of its technicians to focus exclusively on provisioning and maintaining DSL loops. Therefore, only that limited group of technicians would need the test

equipment and training necessary to perform such tests. *See* Aulisio Test., *Trans.*, 610, ll. 7-9. This procedure has proven successful in the Verizon region. *Id.* at 610, ll. 9-13.

By using this proven method, CLECs would be assured that the technicians provisioning and maintaining their lines have the equipment and expertise to do the testing properly, while Ameritech could perform the tests at minimal expense and time to the company and its technicians.

3. The Commission should adopt NorthPoint's Proposed ICA Language and make it available to all CLECs

Ameritech and NorthPoint resolved the issue of performing cooperative acceptance tests on ADSL-capable loops by agreeing to an ICA amendment that includes detailed methods and procedures for conducting such tests. *See* Exhibit NPC-2. It is NorthPoint's goal to similarly resolve the issue of cooperative acceptance testing on ISDN loops and maintenance tickets by having both parties agree to and sign ICA terms which detail the methods and procedures for such testing. In particular, the agreement should detail the Ameritech field technician's role in cooperative acceptance testing and state that the field technician performing the test will carry the appropriate equipment necessary to conduct an adequate cooperative acceptance test on the loop being tested. Detailed ICA language is a particularly beneficial and powerful solution because, by its nature, it is available to any CLEC that chooses to opt into it.

As stated previously, Ameritech has verbally committed to conduct these tests. Regan Test., *Trans.*, 580, ll. 6-9. However, Ameritech does not have any proposed methods and procedures in writing. *Id.* at 580, ll. 10-17, 580, l. 22, 581, ll. 1-2. Ameritech has not even committed to a date on which it will commence acceptance

testing on ISDN loops and maintenance tickets. *Id.* at 581, ll. 3-7; *see also id.* at 587, ll. 7-17.

NorthPoint, on the other hand, has drafted adequate ICA language outlining the methods and procedures for cooperative acceptance testing on ISDN loops and all maintenance tickets. The language includes the ILEC technicians' roles and the CLEC technician's role in such testing. NorthPoint's methods and procedures mimic the practice currently in use in the Pacific Bell territory and other ILEC regions. *See* Exhibit NPC-1.

The Commission should order Ameritech to sign NorthPoint's ICA language which includes proven methods and procedures for conducting cooperative acceptance testing, thereby making it available to all CLECs.

B. Ameritech's Verbal Commitment To Do Cooperative Acceptance Testing On ISDN Loops and Maintenance Tickets Does Not Adequately Resolve This Issue

Thus far, Ameritech's public commitments to do cooperative acceptance testing on ISDN loops and maintenance tickets have been verbal. *See* Regan Test., *Trans.*, 580, ll. 1-22, 581, ll. 1-2. From NorthPoint's experience, Ameritech's verbal commitments are unreliable. Furthermore a CLEC forum is an inefficient and ineffective means by which to create detailed methods and procedures. On the other hand, in Exhibit NPC-1, NorthPoint proposes specific methods and procedures for conducting cooperative acceptance tests which are based on its experience in other ILEC regions.

1. Ameritech has a history of failing to meet its verbal commitments

Given Ameritech's failure to meet its prior verbal commitments, Ameritech must commit to performing cooperative acceptance testing on ISDN loops and maintenance tickets in an ICA amendment, such as Exhibit NPC-1, which details its proposed methods

and procedures. On April 19, 2000, when Ameritech committed to do cooperative acceptance testing on ADSL-capable loops, its commitment was verbal. *See* Exhibit NPC-3, letter from Doug Garrett to Ameritech Vice President Thomas Harvey.[8] Now, six months later, Ameritech's cooperative acceptance testing rate remains abysmally low. For example, Ameritech conducted cooperative acceptance tests on only 13.5% of NorthPoint's ADSL-capable loops due to Illinois consumers just last month, September 2000.[9] Aulisio Test., *Trans.*, 604, ll. 21-22, 605, ll. 1-5; *see also* Baltz Test., *Trans.*, 603, ll. 4-7 ("The week of 9/25/2000, Ameritech called in on 15 percent of [Rhythms'] orders"). *See also* Regan Test., *Trans.*, 612, ll. 18-19.

Furthermore, Ameritech has already reneged on its prior verbal commitment to conduct cooperative acceptance tests on maintenance tickets. At a CLEC Forum held on July 20, 2000, Ameritech stated that it would conduct cooperative acceptance tests on maintenance tickets. *See* Exhibit NPC-4, Ameritech's Updated Issues log from the CLEC Forum held on July 20, 2000, page 13 ("SBC will provide the CLECs with the ability to request repair and maintenance testing on a service order"). Then, on August 31, 2000, Ameritech inexplicably reneged on its agreement. *See* Exhibit NPC-5, letter from NorthPoint to Ameritech Vice President Thomas Harvey protesting the company's decision "to renege on its prior commitment to provide 'Cooperative Testing' on loops for which Trouble Tickets have been opened."

Ameritech's most recent commitment to conduct cooperative acceptance testing on ISDN loops and maintenance tickets have also been verbal. Given Ameritech's failure to

[8] NorthPoint invited Ameritech to respond to this letter if Ameritech disagreed with or wished to discuss the contents therein. As of the filing of this brief, Ameritech has neither disagreed with nor expressed an interest in discussing the letter's contents.

[9] Data reflects performance from September 5, 2000 through September 29, 2000.

fulfill its verbal commitments in the past, NorthPoint cannot rely on these most recent verbal commitments to conduct cooperative acceptance testing. Therefore, to adequately resolve this issue, Ameritech must put its commitment to conduct cooperative acceptance testing on ISDN loops and maintenance tickets into an ICA amendment which details the methods and procedures for such testing.

2. Ameritech's proposed CLEC Forum will not assist in promptly and efficiently resolving this issue

Ameritech must commit detailed methods and procedures for conducting cooperative acceptance testing on ISDN loops and maintenance tickets into ICA language. Ameritech's offer to, instead, conduct a CLEC Forum will only serve to further delay what CLECs need to occur immediately.

Informal meetings with Ameritech and CLECs have already proven an inefficient manner in which to try to resolve issues with Ameritech. For example, based on Ameritech's verbal and written commitment to conduct cooperative acceptance testing on all ADSL-capable loops in Illinois by July 1, 2000,[10] CLECs have been meeting with Ameritech every week to "go through the data." Regan Test., *Trans.*, 612, ll. 11-14. Despite these weekly meetings, Ameritech did not agree to detailed methods and procedures for conducting cooperative acceptance testing on ADSL-capable loops until it did so in its September 27, 2000 agreement with NorthPoint. *See* Exhibit NPC-2. Even so, by Ameritech's own admission, its current cooperative acceptance testing rate of 13 to 15% is an *improvement* by the company's standard. Regan Test., *Trans.*, 612, ll. 18-21.

[10] See Exhibit NPC-3, letter from NorthPoint to Thomas Harvey; *see also* Exhibit NPC-7, Ameritech's May 23, 2000 accessible letter outlining Ameritech's commitment to conduct acceptance testing in Illinois and the remainder of the Ameritech region by July 1, 2000. The proposed ICA language attached to the accessible letter is that language which NorthPoint rejected. The parties instead agreed to adopt the ICA language contained in Exhibit NPC-2.

Furthermore, as stated above in V.B.1, Ameritech's verbal commitments, including those verbal commitments made during CLEC Forums, are proven unreliable. The first time Ameritech verbally agreed to perform cooperative acceptance testing on maintenance tickets was during a CLEC Forum. Less than six weeks later, the company changed its position and reneged on its offer.

The CLEC Forum process is unnecessarily slow and ineffective. For this reason, NorthPoint is attaching as Exhibit NPC-1 to this filing ICA language that details the methods and procedures for conducting cooperative acceptance testing on ISDN loops and maintenance tickets.

3. The Commission should order Ameritech to commit to the detailed methods and procedures set forth in NorthPoint Proposed ICA Language

Ameritech's poor provisioning rate has dramatically raised the level of import of cooperative acceptance testing. Furthermore, Ameritech has demonstrated that its verbal commitments with respect to cooperative acceptance testing are unreliable. Finally, CLEC Forum would neither assure nor encourage performance by Ameritech with respect to cooperative acceptance testing. Therefore, NorthPoint respectfully requests that the Commission order Ameritech to adopt ICA language, such as that contained in Exhibit NPC-1, detailing the methods and procedures for conducting cooperative acceptance testing on ISDN loops and maintenance tickets.

C. The Methods And Procedures For Conducting Cooperative Acceptance Testing Must Enable CLECs To Determine Whether The Loop Tested Meets All Applicable Industry Approved Standards

One of the main purposes of cooperative acceptance testing is to assist the CLECs in determining whether a loop tested has continuity and otherwise meets applicable

industry standards.[11] If Ameritech merely places a ground and a short on an ISDN loop, a CLEC performing a cooperative acceptance test can determine neither whether the loop has continuity nor whether the loop meets applicable industry standards. Therefore, performing cooperative acceptance testing on ISDN loops in such a manner would eliminate one, if not the only, major benefit of conducting such testing.

1. Cooperative acceptance testing enables parties to determine whether a loop meets all applicable industry standards, thereby ensuring the proper provisioning or maintenance of the loop

A loop is not properly provisioned or maintained unless it meets Ameritech's standards for the appropriate loop type (which are consistent with industry approved standards). That is, a loop is not properly provisioned until it can support the service for which it was ordered. Therefore, if an SDSL-loop cannot support SDSL, it has not been properly provisioned or maintained; similarly, if an ISDN loop cannot support ISDN, it has not been properly provisioned or maintained.[12]

ADSL-capable loops are copper. IDSL-capable loops are provisioned through repeaters or digital loop carriers. These are important technological distinctions. Based on these differences, in order to ensure that these loops are properly provisioned and maintained, different methods and procedures must be adopted for cooperative acceptance testing conducted on these different types of loops.[13] Therefore, in order for CLECs to glean the intended benefits of cooperative acceptance testing, ILECs must take these differences into account and perform such testing in a manner ensuring that both ADSL-capable loops and ISDN loops meet applicable standards. NorthPoint's proposed

[11] Cooperative acceptance testing also enables the ILEC to provide CLECs with demarcation information.
[12] The methods and procedures that NorthPoint has included in Exhibit NPC-1 allow for CLECs to confirm that an ISDN loop is compatible with both ISDN and IDSL services.
[13] NorthPoint's positions based on the technological differences of ADSL-capable loops and IDSL-capable loops apply equally to both provisioning and maintenance, even where not explicitly stated.

ICA language, Exhibit NPC-1, includes methods and procedures that allow Ameritech to perform cooperative acceptance testing in such a way.

a) In addition to continuity, loops must be compliant with industry standards

Although continuity is an important parameter that both ADSL-capable and IDSL-capable loops must meet, it is only one parameter. Because a loop has continuity does not mean that it can support DSL.

A loop is said to have "continuity" if it extends from the demarcation point at the end user's premises to the CLEC at the other end without any physical faults. However, there are also industry standards that an ADSL-capable loop must meet before it can support SDSL, including appropriate noise levels, voltage and pair balance.[14] Similarly, an ISDN loop may have continuity, but it will not support IDSL if the line is not properly configured or if the throughput on the loop is inconsistent with applicable industry standards.[15]

Therefore, cooperative acceptance testing should be conducted on ISDN loops and maintenance tickets in a manner which allows CLECs to determine whether the loop being ordered or maintained meets *all* of the applicable standards, not just whether the loop has continuity. Only when a loop is continuous and meets all of the applicable standards can it support DSL and, therefore, only at that time can it be considered properly provisioned or maintained.

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[14] NorthPoint refused to adopt the proposed language offered in Ameritech's May 23 accessible letter because it was inadequate in that it only allowed for continuity testing. The ICA Amendment language to which NorthPoint and Ameritech ultimately agreed allows for NorthPoint to perform a battery of tests to ensure that an ADSL-capable loop meets *all* of the applicable standards, not just continuity. *See* Exhibit NPC-2, Ameritech's agreement to adopt ICA language which, in Section 4.1, allows NorthPoint to "validat[e] basic metallic loop parameters *including* continuity and pair balance as defined in the underlying Agreement, or applicable industry standards."

[15] The throughput on an IDSL-capable loop must be 144 Kbps in order to meet with applicable industry standards.

b) A ground and a short will not allow CLECs to determine whether an ISDN loop meets applicable industry standards

A ground and a short do not allow CLECs to test for continuity on ISDN loops. *See, e.g.,* Aulisio Test., *Trans.*, 607, ll. 18-22, 608, ll. 1-2. ISDN loops can be provisioned through either repeaters or fiber; therefore, a CLEC technician cannot "see" a ground and a short at the end user's premises even if the loop does have continuity. *Id.* at 608, ll. 3-5. This is because the loops that a CLEC orders from Ameritech is hooked up to a DSLAM located in the CLEC's collocation space. *Id.* at 608, ll. 12-19. While a CLEC may be able to see a ground and a short placed on an ADSL-capable loop, DSLAMs do not have the capability to allow a CLEC technician to "see" through repeaters or digital loop carrier to a ground and short placed on the loop by an ILEC technician. NorthPoint would reject methods and procedures which allow for the ILEC technician performing a cooperative acceptance test to merely place a ground and a short on the line, because that would not enable a CLEC to determine whether that loop either meets *any* applicable industry standards or has continuity. Ameritech should be ordered to adopt ICA language, like that proposed by NorthPoint in Exhibit NPC-1, containing detailed methods and procedures for cooperative acceptance testing which retain the intended benefit of such testing: allowing CLECs to determine whether the loop being testing has continuity and meets applicable industry standards for ISDN loops.

2. The "Pacific Bell California model" allows CLECs to determine whether a loop meets applicable industry standards, but has not been put into a detailed writing

Ameritech has verbally committed to following the "Pacific Bell California model" of cooperative acceptance testing. Regan Test., *Trans.*, 593, ll. 19-20. However, the meaning of this promise is unclear. NorthPoint would be pleased with this

commitment if it means that Ameritech will conduct cooperative acceptance testing on ISDN loops and maintenance tickets in the same manner in which technicians in the Pacific Bell region in California conduct such testing. However, reliance by Ameritech solely on the vague terms of the March 1, 1999 accessible letter released in Pacific Bell will not assist in the resolution of this issue.

Field technicians in Ameritech's own sister affiliate in California, Pacific Bell, use ISDN test equipment when conducting cooperative acceptance testing on ISDN loops, thereby allowing a CLEC to test whether ISDN loops have continuity and meet applicable industry standards. Aulisio Test., *Trans.*, 609, ll. 19-21. Pacific Bell's field technicians are equipped with the small, handheld ISDN test sets which the field technician places on the ISDN loop being provisioned or maintained during the cooperative acceptance test. *Id.* at 610, ll. 21-22; 611, ll. 1-3. The CLEC can "see" the test set through repeaters and digital loop carrier if the ISDN loop has continuity, and can test for proper loop configuration and throughput. The field technician's role in such testing is minimal – the technician merely has to place the test equipment on the loop – and the tests themselves take less than two minutes. Nevertheless, the cooperative acceptance testing procedure as drafted in Pacific Bell's acceptance letter makes no mention of such test equipment or testing procedures. *See* Exhibit NPC-6, accessible letter in which Pacific Bell agrees to perform cooperative acceptance testing on ISDN loops and maintenance tickets.

For this reason, the methods and procedures included in NorthPoint's proposed ICA Amendment attached a Exhibit NPC-1 nearly mirrors the methods and procedures followed in Pacific Bell territory in California. If Ameritech intends to follow the

"Pacific Bell California model" as testified, it should have no objection to adopting NorthPoint's proposed ICA amendment which contains the very methods and procedures as those used in Pacific Bell territory in California.

3. The Commission should order Ameritech to conduct cooperative acceptance testing in a way which benefits both CLECs and the ILEC

As its name suggests, cooperative acceptance testing is, by nature, cooperative. That is, it enables both CLEC and ILEC to work together to conduct these tests and determine whether a loop has continuity and meets applicable industry standards. The ICA language that NorthPoint proposes and has attached as Exhibit NPC-1 ensures that cooperative acceptance testing is, indeed, performed cooperatively. Furthermore, the methods and procedures outlined therein are consistent with the "Pacific Bell California model" in that they mirror the practice of Pacific Bell technicians in California. By ordering Ameritech to adopt NorthPoint's proposed ICA amendment rather than allowing Ameritech to adopt the undefined and vague terms laid out in the Pacific Bell Accessible Letter, the Commission can help ensure that Ameritech and CLECs conduct cooperative acceptance testing in a manner which ensures dramatic improvement in Ameritech's provisioning performance.

D. Commission Oversight Is Necessary To Ensure That Ameritech Conducts Cooperative Acceptance Testing on ISDN Loops And Maintenance Tickets At A Reasonable Rate

NorthPoint and Ameritech have already agreed to acceptable ICA language regarding cooperative acceptance testing of ADSL-capable loops. *See* Exhibit NPC-2. Furthermore, NorthPoint has proposed adequate ICA language detailing methods and procedures for conducting cooperative acceptance testing on ISDN loops and maintenance tickets. *See* Exhibit NPC-1. Therefore, once Ameritech has signed

NorthPoint's proposed ICA amendment, all that remains is for the parties to successfully implement it. Therefore, NorthPoint respectfully requests that the Commission require Ameritech to conduct cooperative acceptance tests at rates that meet the goals outlined below.

1. Ameritech should conduct cooperative acceptance tests on at least 90% of all ADSL-capable loops by November 8, 2000

In April of this year, Ameritech verbally committed to NorthPoint that it would conduct cooperative acceptance testing in all Ameritech states by July 1, 2000. *See* Exhibit NPC-3. In May, Ameritech released an accessible letter that included this same schedule. *See* Exhibit NPC-7. Yet today, more than 3 months after its own self-imposed deadline, Ameritech performs cooperative acceptance tests on less than 20% of CLEC loops. *See* Aulisio Test., *Trans.,* 604, ll. 21-22, 605, ll. 1-5; *see also* Baltz Test., *Trans.*, 603, ll. 4-7. Given that Ameritech's enumerated goal is to perform cooperative acceptance tests at a rate of at least 90% (Regan Test., *Trans.*, 612, ll.18-21), Ameritech's cooperative acceptance test goals for ADSL-capable loops should be as follows:

November 8, 2000: 90%

2. Ameritech should conduct cooperative acceptance tests on at least 90% ISDN loops and maintenance tickets opened on ISDN loops by January 8, 2001

Ameritech testified that CLECs should be receiving cooperative acceptance testing calls for ISDN loops and maintenance tickets by early November. Regan Test., *Trans.*, 595, ll. 5-22. Ameritech should, therefore, be able to meet the following goals with respect to provisioning ISDN loops and maintenance tickets opened on ISDN loops:

November 8, 2000: 70%

December 8, 2000: 80%

January 8, 2001: *90%*

3. Ameritech should conduct cooperative acceptance tests on at least 90% of all maintenance tickets opened on ADSL-capable loops by November 8, 2000

Ameritech only recently committed to conducting cooperative acceptance tests on all maintenance tickets. However, Ameritech is already familiar with the procedure of conducting cooperative acceptance tests on ADSL-capable loops. The procedure and equipment necessary for performing cooperative acceptance tests on maintenance tickets opened on ADSL-capable loops is the same. Therefore, Ameritech's goal for testing on maintenance tickets opened on ADSL-capable loops should be more aggressive than its goal for testing ISDN loops and maintenance tickets opened on ISDN loops. Therefore, for maintenance tickets opened on ADSL-capable loops, Ameritech should adopt the following goal:

November 8, 2000: *90%*

4. The Commission should issue an Order to Show Cause and schedule a DSL Collaborative in the event that Ameritech does not meet Commission established goals

While a Commission review of Ameritech's performance in, for example, six months, could be an effective implementation tool, regular monitoring of Ameritech cooperative acceptance testing performance will likely be critical in the early months. Therefore, NorthPoint respectfully requests that the Commission regularly monitor Ameritech's performance between now and January 8, 2001 and, if at any time should Ameritech fail to meet Commission-ordered goals, immediately issue an Order to Show Cause for the purpose of allowing Ameritech to explain why penalties should not be assessed on the company for its failure to meet its commitments. The Order to Show Cause should be considered in an evidentiary hearing during which parties are permitted

to submit evidence detailing Ameritech's performance, demonstrating the impact on CLECs' ability to effectively compete in Illinois, and determining an appropriate remedy. In addition, the Commission should schedule a DSL collaborative to be attended by Commission staff and CLEC and ILEC representatives in which all of the parties present would discuss how to ensure that Ameritech improves its performance.

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VI. CONCLUSION

For the foregoing reasons, NorthPoint Communications, Inc. respectfully request that the Commission adopt the proposal as outlined in Section III above for the purpose of resolving Issue #56: Cooperative Acceptance Testing.

October 12, 2000

Respectfully submitted:

NorthPoint Communications, Inc.

BY: _____

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